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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,960	06/21/2001	Yung-Tang Lee	3313-0335P-SP	2767
2292	7590	07/27/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			KNOWLIN, THJUAN P	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/884,960	LEE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thjuan P. Knowlin	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 16 March 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-19 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-19 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 16 March 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's amendment filed on March 16, 2005 has been entered. Claims 1, 11, and 19 have been amended. No claims have been cancelled. No claims have been added. Claims 1-19 are still pending in this application, with claim 1 being independent.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-4 and 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaario (US 6,563,424), in view of Palamides (US 6,895,261).

3. In regards to claims 1 and 18, Kaario discloses a communication clothes for users wearing and connecting with signals of a mobile phone, comprising: a clothes for users wearing (See Fig. 1 and garment 11); a connector (See Fig. 1, connector 24, and connector 26) disposed at a selected location on the clothes for connecting signal connection port signals of the mobile phone (See col. 4 lines 24-33); a speaker (See Fig. 1, earphone 41, and headset connector 44) proximate to the ears of the users and linked to the connector for connecting the signals for generating audio signals for the mobile phone; and a microphone (See Fig. 1 and microphone 42) proximate to the

mouths of the users and linked to the connector for receiving users' speaking voice signals and transmitting to the mobile phone through the connector (Fig. 1 and col. 4 lines 52-59). Kaario, however, does not disclose a speaker embedded in the clothes proximate to the ears of the users and linked to the connector for connecting the signals for generating audio signals for the mobile phone; and a microphone embedded in the clothes proximate to the mouths of the users and linked to the connector for receiving users' speaking voice signals and transmitting to the mobile phone through the connector. Palamides, however, does disclose a speaker (See Fig. 2, Fig. 6, interactive communication unit 240, and speaker 620) embedded in the clothes proximate to the ears of the users and linked to the connector for connecting the signals for generating audio signals for the mobile phone (See Abstract and col. 5 lines 17-26); and a microphone (See Fig. 2, Fig. 6, interactive communication unit 240, and microphone 630) embedded in the clothes proximate to the mouths of the users and linked to the connector for receiving users' speaking voice signals and transmitting to the mobile phone through the connector (See Abstract and col. 5 lines 17-26). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention, to embed the speaker and microphone in the clothes proximate to the ears and mouths of the users, as a way of allowing the users to be able to speak on the mobile phone hands-free, while also hiding the wires connecting the speaker and microphone to the mobile phone.

4. In regards to claims 2 and 3, Kaario discloses the communication clothes, wherein the clothes is a jacket (See Fig. 1 and garment 11).

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5. In regards to claim 4, Kaario discloses the communication clothes, wherein the clothes is a jacket (garment 11) or an outerwear (Fig. 1). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to also make the clothes a suit, as a way of providing a more business style of appearance.

6. In regards to claims 12 and 13, Kaario discloses the communication clothes, wherein the clothes further has a hanging ring stitched thereon proximate to the connector for hanging the mobile phone (See col. 4 lines 41-49).

7. In regards to claim 14, Kaario discloses the communication clothes, wherein the clothes has a pocket to hold the connector, the mobile phone (See Fig. 1, Fig. 10, and electronic device 17) being held in the pocket (See Fig. 1 and pocket 14) and connecting to the connector signals (See col. 4 lines 41-49).

8. In regards to claim 15, Kaario discloses the communication clothes, wherein the speaker and microphone are attached to the collar of the clothes. Therefore, depending on the style, size, and/or shape of the collar, the speaker and microphone could be hidden by the collar. It would merely depend on the design of the communication clothes.

9. In regards to claim 17, Kaario does not disclose the communication clothes as having a cap. However, it is well known that jackets typically come with hoods or caps. It merely depends on the design of the jacket.

10. In regards to claim 19, Kaario discloses all of claim 19 limitations, except the communication clothes, wherein the speaker and the microphone are linked to the connector through a wire, the wire being embedded in the stitches of a clothes rim.

Palamides, however, does disclose the communication clothes, wherein the speaker and the microphone are linked to the connector through a wire, the wire being embedded in the stitches of a clothes rim (See Abstract, Fig. 2, and col. 5 lines 17-26).

11. Claims 5-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karrio (US 6,563,424), in view of Palamides (US 6,895,261), and further in view of Spanyar (US 6,155,841).

12. In regards to claims 5, 10, and 11, Karrio and Palamides disclose all of claims 5, 10, and 11 limitations, except the communication clothes, further including a keyboard attached to the clothes at a selected location and linked to the connector to form a signal connection for entering input information into the mobile phone. Spanyar, however, does disclose the communication clothes, further including a keyboard (keyboard 16) attached to the clothes at a selected location and linked to the connector to form a signal connection for entering input information into the mobile phone (col. 2 lines 38-54). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ this feature as a way of making it more convenient for a user to speak on the phone, by means of freeing his or her hands. For example, by integrating the keyboard in the sleeve region the keyboard is always located in a position, which is convenient for use.

13. In regards to claim 6, Kaario and Palamides disclose all of claim 6 limitations, except the communication clothes, wherein the keyboard is located on a sleeve of the clothes adjacent the sleeve opening end. Spanyar, however, discloses the

communication clothes, wherein the keyboard is located on a sleeve of the clothes adjacent the sleeve opening end (Fig. 1 and col. 2 lines 38-46).

14. In regards to claims 7, 8, and 9, Kaario and Palamides disclose all of claims 7, 8, and 9 limitations, except the communication clothes, wherein the sleeve further has a cover flap adjacent the sleeve opening end. Spanyar, however, discloses the communication clothes, wherein the sleeve further has a cover flap adjacent the sleeve opening end (Fig. 2, col. 1 lines 35-37, and col. 4 lines 10-20).

#### ***Response to Arguments***

15. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Boyden (US 5,815,579) teaches portable speakers with phased arrays. Wang et al (US 5,563,951) teach an audio interface garment and communication system for use therewith. Sarich (US 6,281,594) teaches a human powered electrical generation system.

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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18. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thjuan P. Knowlin



AHMAD MATAR  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600